

the references and the claimed invention and the lack of support and motivation of combinability for the Official Notices taken by the Examiner. M.P.E.P. §707.07(f) dictates that the Office Action should take note of the Applicant's argument regarding the impropriety of the asserted combination and answer the substance of it. This is consistent with the purpose of aiding the Applicant in judging the propriety of continuing the prosecution, as indicated in 37 C.F.R. §1.104(a)(2). The Office Action does not comply with this requirement, and Applicant requests that the rejection be withdrawn.

Applicant further traverses the §103(a) rejection as the Office Action fails to present complete correspondence between the cited references and the claimed invention. Claim 1 of the instant invention is directed to a method for on-line viewing of an article on another structure including, *inter alia*, "electrically closeting partial-data sets respectively corresponding to different ones of the articles." *See also*, Claim 5. The Office Action erroneously asserts at page 3 that the '769 reference teaches this limitation at column 3, lines 40-62. This cited portion of the '769 reference merely teaches a permanent record of personal information such as body measurements, credit information and address. None of this information as taught by the '769 reference corresponds to the "articles" of the claimed invention. As taught in Claim 1 of the instant invention, the articles are obtained from article-provider sites where images of the articles are available for view via the web. In view of the above discussion and Applicant's previous arguments as incorporated herein, the Office Action fails to present the requisite correspondence. A §103 rejection cannot be maintained without evidence of complete correspondence, therefore Applicant requests that the rejection is improper and should be withdrawn.

Moreover, Applicant submits that the proposed modification of the '769 reference is unmotivated as it would frustrate the purpose of the '769 reference. Upon selection by a customer, the '769 reference teaches retrieving fashion data from a fashion database. At column 6, lines 65-66, the '769 reference teaches, "Each clothes item references portions of a database of fashions for each fashion category." Thus, all of the fashion data accessed in the '769 teachings is already contained within the program. Therefore, it would be unnecessary to closet the customer's selected articles as they are already stored within the '769 program. The extra step of closeting fashion data already saved within

the program would slow the shopping process in direct opposition to the stated purpose of increasing efficiency. To allege under §103 that a skilled artisan would modify the '769 reference in such a manner is untenable and impermissible under §103. *See, e.g., In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984) (A §103 rejection cannot be maintained when the asserted modification undermines the purpose of the main reference.)

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
St. Paul, MN 55120  
651/686-6633

Dated: January 31, 2003

By: 

Robert J. Crawford  
Reg. No. 32,122